

Appeal Decision

Site visit made on 18 October 2016

by R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7th November 2016

Appeal Ref: APP/V1505/W/16/3155353

Stevenson Farm, Southend Arterial Road, Basildon SS14 3JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr P Stevenson against the decision of Basildon District Council.
 - The application Ref 15/01523/FULL, dated 3 December 2015, was refused by notice dated 17 May 2016.
 - The development proposed is described as 'application for new highway access to serve car boot sale'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr P Stevenson against Basildon District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposal on the openness of the Green Belt and the character and appearance of the locality; and
 - If the proposal would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

4. The appeal site includes a small parcel of land near to the A132 Nevendon Road between a built up site used by the Dogs Trust and an open field. An access to the land at the rear of the Dogs Trust site when car boot sales take place is proposed. I have noted the Lawful Development Certificate for a car boot sale use on that land brought to my attention and the related appeal decision.¹ I also note that the appeal decision does not consider the access

¹ Ref.13/00616/LDC and Ref APP/V1505/X/14/2216421

arrangements, although the plan attached to it includes the appeal site. The appeal site is located within the Metropolitan Green Belt.

Whether Inappropriate Development and Openness

5. The appeal proposal would include a bell mouth junction onto the highway, a hard surfaced area near to the road, kerbing and a highway barrier. In addition, some advance signage is likely to be required. These elements would be partly on undeveloped land and would include the removal of landscape features including some hedge. I agree that the hedge is of inconsistent structure. However, the proposed access would represent an intrusion into previously open space and development where none was previously. Openness is an essential characteristic of the Green Belt. It would therefore inevitably, materially erode the openness of the Green Belt.
6. I conclude that the appeal proposal would constitute inappropriate development in the Green Belt as set out in paragraph 89 of the Framework. Inappropriate development is, by definition, harmful to the Green Belt, a matter to which I accord substantial weight.

Character and Appearance

7. Due to its position at the edge of the highway, the proposed access would appear prominent. It would be visible from the adjacent public footpath. It would result in a collection of urban features which would diminish the generally semi-rural character of the locality. Furthermore, the proposed access would provide a route for traffic to access the field to the rear of the Dogs Trust development at this point on days when there is a car boot sale. These matters, the loss of the hedge, together with the general activity that would be generated by that traffic, would further erode the semi-rural nature of the locality. This adds to my concern for its effect on the locality's character and appearance. However, overall, taking into account the appeal site's proximity to other development, a highway and large roundabout, the harm to the character and appearance of the locality would be limited.
8. I conclude that the appeal proposal would adversely affect the character and appearance of the locality, albeit that harm would be limited. However, for that reason, it would fail to accord with paragraph 60 of the Framework, which seeks to promote or reinforce local distinctiveness.
9. In coming to both this and the previous conclusion, I have taken into account that access to the car boot sale site is not possible through the Dogs Trust site, restricted by condition 16 to planning permission Ref. 11/00433/FULL.

Other Considerations

10. Whilst I have no substantive evidence of a highway safety issue with the existing access arrangements to the car boot sales, I consider that there would be some highway safety benefits from the appeal proposal. It would involve the termination or restriction of the existing accesses on the A127 Southend Arterial Road and its slip road and the relocation of an access to the car boot sales onto the A132. The removal of potential queuing and sudden slowing down on that Trunk road and the relocation of the access to an appropriate design onto a lower status road, with associated lower speed limits, would be a benefit in this regard.

11. I have noted the suggested improvement to the geometry of the egress from Stevensons Farm and that some transport management improvements for the car boot sale use would result. I also recognise the likely effect suggested of the junction improvements at the large roundabout nearby.
12. I have had regard to paragraph 32 of the Framework which sets out that development should only be prevented or refused on transport grounds where the residual cumulative impact would be severe. However, in this case, I acknowledge that there would be transport benefits from the appeal development. Overall, to all the highway safety and transport management considerations advanced by the appellant, I accord significant weight in favour of the appeal.

Very Special Circumstances

13. The proposal would be inappropriate development, would reduce the openness of the Green Belt and would cause harm to its visual amenities. The Framework advises that substantial weight should be accorded to harm to the Green Belt when considering an appeal. When taken together, the other considerations referred to by the appellant do not, in this case, clearly outweigh the harm to the Green Belt identified. Consequently, it has not been demonstrated that the very special circumstances necessary to justify the proposed development exist. The proposal would therefore be contrary to section 9 of the Framework, which aims to protect Green Belt land. Further, for this reason, it would not fall within the definition of sustainable development as set out throughout the Framework.

Conclusion

14. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

R Barrett

INSPECTOR